

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 11, 2020

SEAN F. McAVOY, CLERK

ISAAC C.¹,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:20-CV-03086-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 17, 19

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 19, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Jeffrey Staples

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 represents Defendant. The parties have consented to proceed before a magistrate
2 judge. ECF No. 6.

3 After consideration, **IT IS HEREBY ORDERED** that:

4 1. The parties' Stipulated Motion for Remand, **ECF No. 19**, is **GRANTED**.

5 2. The above-captioned case be **REVERSED** and **REMANDED** to the
6 Commissioner of Social Security for further administrative proceeding pursuant to
7 sentence four of 42 U.S.C. § 405(g).

8 On remand, the parties stipulate that:

9 The Appeals Council will instruct the ALJ to:

- 10 • Further develop the record, as appropriate;
- 11 • Offer Plaintiff the opportunity for a new hearing;
- 12 • Re-evaluate the evidence, including the opinions from Drs. Rubio and
13 Staley regarding Plaintiff's tolerance for noise;
- 14 • Re-assess Plaintiff's allegations, residual functional capacity, and
15 whether there are jobs in the national economy he could still perform
16 despite his limitations, as necessary; and
- 17 • Issue a new decision.

18 *See* ECF No. 19 at 2.

19 3. Judgment shall be entered for **PLAINTIFF**.
20

1 4. Plaintiff's Motion for Summary Judgment, **ECF No. 17**, is **STRICKEN**
2 **AS MOOT.**

3 5. Upon proper presentation, this Court consider Plaintiff's application for
4 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

5 The District Court Executive is directed to enter this Order, **enter**
6 **Judgment**, forward copies to counsel, and **CLOSE THE FILE.**

7 DATED December 11, 2020.

8 s/Mary K. Dimke
9 MARY K. DIMKE
10 UNITED STATES MAGISTRATE JUDGE